

File Act/021/004

RECEIVED

APR 16 1980

DIVISION OF  
OIL, GAS & MINING

## AFFIDAVIT OF PUBLICATION

STATE OF UTAH }  
County of Iron } ss.

I, F. Klien Rollo, being first duly sworn, depose and say that I am the manager of the Iron County Record, a weekly newspaper of general circulation published every Thursday at Cedar City, Utah: that the notice attached hereto and which is a part of Proof No. 3525 was published in said newspaper for ..... issues, the first publication having been made on the 27<sup>th</sup> day of March, 1980 and the last publication on the 27<sup>th</sup> day of March, 1980, that said notice was published in the regular and entire issues of each paper during the period and times of publication and that the same was published in the newspaper proper, and not in a supplement.

Subscribed and sworn to before me this 11<sup>th</sup> day of April, 1980  
My commission expires 10-20-83

F. Klien Rollo

Dorothy Rogers  
Notary Public

irreparable state. Because patients can be moved, they will avoid contracting pneumonia or other complications that can occur with bed-ridden patients.

Though the fund-raising projects were considered successful, all of last year's earnings were not a direct result of these events. Much of the money was raised through donations from concerned and community

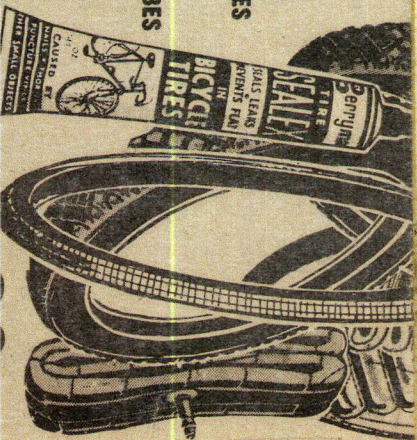
REG. 3.99  
•26 X 1 3/8

REG. 3.99  
HOBBY TIRES  
•20 X 2.125

REG. 3.99  
MOTORCROSS TIRES  
•20 X 1.75

REG. 3.99  
THORN PROOF TUBES  
•20 X 2.125  
•20 X 1.75  
•26 X 1 3/8  
•27 X 1.25

YOUR CHOICE





BEFORE THE BOARD  
OF OIL, GAS AND MINING  
DEPARTMENT OF  
NATURAL RESOURCES in  
and for the STATE OF  
UTAH.

ORDER

NO. ACT-021-004

IN THE MATTER OF  
PROTEST TO FINAL  
APPROVAL OF THE  
NOTICE OF INTENT TO  
MINE, RANCHERS EX-  
PLORATION AND  
DEVELOPMENT COR-  
PORATION'S ESCALANTE  
SILVER MINE, SECTION 2,  
TOWNSHIP 36 SOUTH,  
RANGE 17 WEST, SLBM,  
IRON COUNTY, UTAH.

This cause came on for  
hearing before this Board at  
10:00 a.m. on Wednesday,  
January 23, 1980, in Room  
232 of the Holiday Inn, 1659  
West North Temple, Salt  
Lake City, Utah. The  
following Board members  
were present:

Charles R. Henderson,  
Chairman

Edward T. Beck, Member  
E. Steele McIntyre,  
Member

John Bell, Member

Raymond C. Juvelin,  
Member

Also present and  
representing the Division  
were:

Cleon B. Feight, Director,  
Division of Oil, Gas and  
Mining

Thalia R. Busby, Ad-  
ministrative Assistant,  
Division of Oil, Gas and  
Mining

Ronald W. Daniels, Mined  
Land Coordinator, Division  
of Oil, Gas and Mining

Mike Thompson,  
Engineering Geologist,  
Division of Oil, Gas and  
Mining

Tom Suchoski,  
Hydrologist, Division of Oil,  
Gas and Mining

Mary Ann Wright,  
Biologist, Division of Oil,  
Gas and Mining

Jim Smith, Soils  
Specialist, Division of Oil,  
Gas and Mining

Denise Dragoo, Special  
Assistant Attorney General,  
Division of Oil, Gas and  
Mining

Appearances were made as  
follows:

For Rancher's Exploration  
and Development Cor-  
poration:

Joseph Novak, Attorney at  
Law

Mark R. Welch, Chief  
Engineer

Reclamation Act (Chapter 8,  
Title 40, Utah Code An-  
notated).

3. Tentative approval to  
commence pilot un-  
derground mining  
operations at the Escalante  
Silver Mine was issued by  
the Division of Oil, Gas and  
Mining on September 27,  
1979 and published notice of  
tentative approval was  
given on November 1, 1979.

4. A formal protest to the  
issuance of final approval  
was received by the Division  
on December 3, 1979 and set  
for hearing before the Board  
on January 23, 1980 in Room  
232 of the Airport-Holiday  
Inn, 1659 West North  
Temple, Salt Lake City,  
Utah. The hearing was set to  
specifically consider citizen  
complaints concerning the  
alleged disruption,  
dewatering and relocation of  
underground water by the  
proposed mining  
operation.

5. The issues before the  
Board are as follows:

1. Does the Board have  
jurisdiction over a protest  
filed later than 30 days after  
publication of tentative  
approval?

2. Does the Board have  
jurisdiction over the sub-  
stance of the protest to  
approval of proposed  
operations at the Escalante  
Silver Mine?

3. Will the proposed  
mining operations cause  
disruption, dewatering and  
relocation of underground  
water supplies to the detriment  
of the farmers and citizens  
of Escalante Valley, Utah?

CONCLUSIONS OF PAY

1. With respect to the issue  
of timely filing of protest to  
the tentative approval of  
pilot mining operations at  
the Escalante Silver Mine,  
the Board finds the citizen  
protest to be valid and  
timely under Section 40-8-  
13(4) Utah Code Annotated  
(1953). The pertinent part of  
that provision states:

...Any person or agency  
aggrieved by the tentative  
decision may file a written  
protest with the Division,  
setting forth factual reasons  
for his complaint. If no  
factual written protests are  
received by the Division  
within 30 days after the last  
date of publication, the  
tentative decision on the  
notice of intention shall  
become final and the  
operator will be so notified.  
If written objections of  
stunance are received, a  
hearing shall be held before  
the Board in accordance  
with section 4-8-8, following  
which the Board shall issue  
its decision.

The date of final  
publication of tentative  
approval was November 1,  
1979 and the citizen's  
complaint was received by  
the Division on December 3,  
1979. Applying the Utah  
Rules of Civil Procedure,  
Rule 6, the complaint was  
timely received. Rule 6  
provides that in computing  
any period of time:

...the day of the act, event,  
or default from which the  
designated period of time  
begins to run shall not be  
included. The last day of the  
period so computed shall be  
included, unless it is a  
Saturday, a Sunday or a  
legal holiday, in which event  
the period runs until the end  
of the next day which is not a  
Saturday, Sunday or a legal

prevent present and future  
on-site or off-site en-  
vironmental degradation  
caused by mining operations  
to the ecologic and  
hydrologic regimes and to  
meet other pertinent state  
and federal regulations  
regarding air and water  
quality standards and health  
and safety criteria. (em-  
phasis added)

In addition, Section 40-8-  
12(c), Utah Code Annotated  
sets forth the general ob-  
jective of minimization of  
hazards to public safety and  
welfare.

Therefore, the Board  
determines that allegations  
concerning the impact of the  
proposed mining operation  
upon contamination,  
dewatering and relocation of  
underground water supplies  
was properly before the  
Board and well within the  
ambit of their statutory  
jurisdiction under the Mined  
Land Reclamation Act.

3. With respect to the  
factual issue before the  
Board concerning the  
validity of the citizen  
protest, the Board deter-  
mines that the citizen's have  
failed to establish that the  
harm alleged in their  
complaint will actually  
occur as the result of the  
pilot program proposed by  
Rancher's Exploration and  
Development Corporation at  
the Escalante Silver Mine.  
While the citizens and far-  
mers of Escalante Valley  
adequately set forth their  
concern that the proposed  
pilot mining operation would  
endanger irrigation systems  
dependent on underground  
water supplies, the citizens  
offered no technical studies  
or evidence to support their  
concerns. Rancher's Ex-  
ploration and Development  
Corporation presented  
testimony concerning the  
results of a study prepared  
by Dames and Moore con-  
sulting engineers relative to  
the dewatering of the  
Escalante Silver Mine.  
Testimony revealed that  
pumping operations during  
pilot operations will have  
little net impact upon the  
underground water supply  
used by the farmers during  
the irrigation season.  
Testimony also revealed  
that the continued testing of  
impacts upon the water  
supply would continue  
throughout the pilot mining  
operations and that these  
tests were necessary to  
establish the feasibility of  
mining operations at the  
Escalante Silver Mine.

Therefore, in that the  
notice of intent at issue  
before the Board concerns  
approval only for a study  
period of eight and one half  
months and without such  
study period the actual  
impact of dewatering ac-  
tivities upon the water  
supply of Escalante Valley  
will never be documented,  
the Board determines that  
the pilot mining operation be  
approved. However, the  
Board's approval extends  
only to the pilot operation at  
the Escalante Silver Mine  
and a new application to  
mine must be submitted to  
the Division and approved  
prior to commencement of  
actual mining operations.  
Such submission must be  
accompanied by a  
dewatering study which  
documents the impacts of  
the proposed operation on  
the underground water  
supply of Escalante Valley.



The image is a dark, high-contrast scan of a document page. It is heavily textured with noise, including vertical banding and horizontal streaks. The overall appearance is grainy and noisy, with a dark background and lighter, irregular patterns. There is no legible text or identifiable figures present.

[illegible][illegible]

TO BE FORWARDED TO THE  
STATE OF UTAH  
BOARD OF OIL  
AND GAS MINING  
RECORDS & SURVEY  
P.O. BOX 147000  
SALT LAKE CITY, UTAH 84114